

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, February 26, 2014

- I. PLEDGE OF ALLEGIANCE** **Vice Chair Ciardella** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- City Clerk Mary Lavelle performed the swearing in of Hon Lien as the new Alternate Member of the Planning Commission.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, John Luk, Rajeev Madnawat, Garry Barbadillo, Demetress Morris and Alternate Member Hon Lien
Absent: Chair Sudhir Mandal
Staff: Steve McHarris, Johnny Phan, Scott Ruhland, Cindy Hom
- III. PUBLIC FORUM** **Vice Chair Ciardella** invited members of the audience to address the Commission and there were none.
- IV. APPROVAL OF MEETING MINUTES** **Vice Chair Ciardella** called for approval of the January 22, 2014 meeting minutes of the Planning Commission.
- Motion** to approve Planning Commission meeting minutes, as submitted
Motion/Second: Commissioner Sandhu/Commissioner XX
AYES: 7
NOES: 0
ABSTAIN: 0
- V. ANNOUNCEMENTS** Planning Director Steven McHarris mentioned that there is an improved Planning Commission staff report format intended to make the reports more concise and user friendly, and also mentioned the Cal Poly Vision Plans Final Report of which each Commissioner received a copy.
- Commissioner Sandhu announced a Community Breakfast at Sunny Hills Neighborhood Association on Saturday, March 1 from 8:00 – 9:00 am.
- Commissioner Demetress announced the 3rd Annual African American Heritage Leadership Awards ceremony on Saturday, March 1 at 1:30 at the Genesis United Methodist Church.
- Vice Chair Ciardella announced that tickets are still available for the Milpitas Chamber of Commerce Annual Crab Feed on Friday, March 7.
- VI. CONFLICT OF** **Assistant City Attorney Johnny Phan** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

INTEREST

There were no reported conflicts.

VII. APPROVAL OF AGENDA

Vice Chair Ciardella asked if staff or Commissioners had changes to the agenda.

Motion to approve the February 26, 2014 agenda as submitted

Motion/Second: Commissioner Barbadillo/Commissioner Madnawat

AYES: 7

NOES: 0

VIII. CONSENT CALENDAR

Item VIII-1 – SAMSUNG FENCING – 601 McCarthy Blvd – SD13-0022 – A request by Samsung Semiconductor Incorporated to consider a Site Development Permit to install an 8-foot tall steel tubular fence around an existing loading dock located at the rear of the building. This project is categorically exempt from further CEQA review pursuant to Section 15301 (Existing Facilities).

Motion to adopt Resolution No. 14-008 approving Site Development Permit SD13-0022 to install an 8-foot tall steel tubular fence around an existing loading dock located at the rear of the building, subject to the conditions of approval.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

IX. PUBLIC HEARING

IX-1 PARKTOWN RETAIL BUILDING – 1350 S. Park Victoria Drive – SD13-0014 and UP14-0002: A request by Associated Building Enterprises, Inc. to consider a Site Development Permit and Conditional Use Permit for the construction of a new 5,400 square foot retail building with three tenant spaces, including drive-through, outdoor seating areas, trash enclosure, and signage elements. This project is categorical exempt from further CEQA review pursuant to Section 15303 (C), New Construction or Conversion of Small Structures, of the CEQA Guidelines.

Project Planner Cindy Hom gave a short presentation and description of the project.

Commissioner Morris asked about the removal of 49 spaces. She said that parking is not good and wondered if they could afford to lose these spaces. Project Planner Hom answered that 49 spaces will need to be removed in order to accommodate the building pad but the shopping center would still meet their parking requirements for all existing and proposed uses.

Commissioner Luk asked if any restaurants were anticipated and Project Planner Hom said yes but retail as well and possibly a Starbucks. Commissioner Luk asked if the new parking ordinance would apply to the new restaurants and Project Planner Hom responded yes and indicated what the parking requirements for sit down and fast food/take out would be.

Vice Chair Ciardella asked about the drawings and outdoor seating area on the right side where the drive thru is and wondered if the seating would be omitted if there is no restaurant located there. Project Planner Hom answered that based on the outdoor dining patio the end unit will likely be a

restaurant but that they probably would not include the seating there if there is no restaurant.

John Chung, President of Associated Building Enterprises, and Karen Mar of YamaMar Architects, who designed the architectural plans, approached to answer any questions.

Commissioner Morris wanted to hear more about what they envision doing with the space. They stated that the purpose of the process is to update the mall with a newer image to make it more modern and increase business.

There was discussion about the ingress into the center. Commissioner Barbadillo said there are currently three points of ingress going into the project and asked if staff plans to create ingress from Landess or reduce other points, or would staff utilize the existing driveways due to no left turns. There was concern about vehicles coming in from Landess and Commissioner Morris asked if the applicant is opposed to creating another entrance as a matter of convenience. Architect Mar answered that if they put in another there would be four and it would become all driveway across an area that now has sidewalks, and they are not opposed to it but she does not feel it is warranted. Project Planner Hom said the median would need to be altered. Planning Director Steven McHarris stated that introducing a third driveway would disrupt the drive-thru queuing.

Commissioner Madnawat said that it may be difficult to make the right turn to enter the drive thru and feels there needs to be some adjustment to the plans. Planning Director McHarris reviewed the exhibit, restated the issue, and suggested that a condition of approval could be added to make site modifications with signage or landscaping to correct the flow, and possibly an exit only lane so that drive thru traffic knows which way to go, and Commissioner Madnawat agreed that may work.

Commissioner Lien mentioned that there are often teenagers there and asked if there has been any crime reported there. Project Planner Hom answered that Police Department review is part of the review process and they responded that there has been no crime activity that would warrant any special conditions. She also noted that the outdoor patio will close at the same time the establishment closes.

Commissioner Luk feels this shopping center is aged and would like to see the image improved, and believes it can be a valuable addition if it is done correctly.

Vice Chair Ciardella opened the public hearing. One Milpitas resident asked questions of the developer regarding the location of the project and Project Planner Hom answered that the proposed building is located in the Parktown Plaza on the south portion of the site. The resident also said that she feels there are enough Starbuck's in the area and doesn't wish to see one there. She also wanted to know about underground parking there and Planning Director McHarris responded that the applicant and the center meet the parking requirements and underground parking is not required.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-006 approving Site Development Permit No. SD13-0014 and Conditional Use Permit No. UP14-0002 for construction of a new 5,400 square foot retail building and various site improvements based on findings and subject to conditions.

Madnawat motioned to adopt the resolution with an amendment requiring staff to work with the

applicant to add appropriate signage for the drive thru at the West driveway.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

IX-2

TRIPOINTE SITE AMENDMENTS – 345 Los Coches – SA13-0004: A request by TriPointe Homes, Inc. to consider a Site Development Permit Amendment to SD12-0003 for site improvement and exterior facade modifications for previously approved 32 single-family home subdivision. A Mitigated Negative Declaration was previously circulated and adopted for this project.

Senior Planner Scott Ruhland gave a short presentation and description of the project.

Commissioner Barbadillo said that the original project approval was based on special conditions for square footage of the work portion of each unit and asked if the new plans will still satisfy the previous conditions. He wants to ensure that the conditions approved in May still stand. Senior Planner Ruhland stated that all conditions have been met since originally approved, the floor plans and interiors did not change, only the exterior changed, and there were no special conditions on the living units.

Bill Sadler, Senior Project Manager for TriPointe Homes, gave a short background on how they became involved with the project. He said the livability element focused on is the square footage which allows more substantial livability and increased bedroom count.

Commissioner Madnawat asked if they will they provide additional features, i.e. electric charging stations, and asked if this can be an option to a buyer. Mr. Sadler said that this is a trend that they offer as an option in the garage at other projects and they want to offer what the buyers want, and if there is a demand for it then they would consider it.

Commissioner Luk feels the increase in square footage and other improvements in the plans will be good for larger families.

Commissioner Morris asked to hear more about the landscaping. Linda Gates with Gates and Associates discussed the plans and said there will be a nice variety of landscaping with some art features, a variety of shaded and sunny spaces and social areas, and space that allows for walking.

Vice Chair Ciardella opened the public hearing. One Milpitas resident spoke in favor of the project and would like to see fruit trees or herbs and possibly a daycare as one of the businesses.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Luk

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-007 approving Site Development Permit Amendment No. SA13-0004 for a 32 single-family home subdivision based on findings and subject to conditions of approval.

Motion/Second: Commissioner Sandhu/Commissioner Madnawat

AYES: 7

NOES: 0

IX-3

ZONING DEFINITION AMENDMENTS – 455 E. Calaveras Boulevard – A City-initiated request to consider a zoning amendment to create definitions for Electronic Smoking Device and Head/Smoke/Tobacco Shops and other related amendments for inclusion in the City's Zoning Ordinance. This project is exempt from further CEQA review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

Project Planner Scott Ruhland gave a short presentation and description of the project.

Vice Chair Ciardella said he dislikes the word Head in this amendment and Project Planner Ruhland explained that it is used in the ordinance and is a common term used in multiple other cities in California. Assistant City Attorney Johnny Phan confirmed that he would need to remove the word from other places in the ordinance.

Commissioner Madnawat asked the purpose of adding the amendment and Project Planner Ruhland answered that it is to provide clarification on what the uses are and respond to the new technology of these smoking devices and amend the zoning code so that the definition is clear. Staff does not have a clear definition to define tobacco shop and this will allow for a Conditional Use Permit (CUP).

Assistant City Attorney Phan said that it is important to understand that this is a land use issue and a way to regulate these types of shops. If one meets this definition then they will be required to come to the department for a CUP before you open a store that sells these products.

Madnawat feels that the definition of electronic device is too broad and asked that for the record it be noted that the intent is not to include medical devices.

Vice Chair Ciardella opened the public hearing and no comments were heard.

Motion to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Morris

AYES: 7

NOES: 0

Motion to adopt Resolution No. 14-009 recommending the City Council adopts an amendment to the Zoning Ordinance defining Electronic Smoking Device and Head/Smoke/Tobacco Shops and other related amendments – (Zoning Amendment No. ZA14-0001).

Motion/Second: Commissioner Morris/Commissioner Madnawat

AYES: 6

NOES: 1

X. NEW BUSINESS

No Items

X1. ADJOURNMENT

The meeting was adjourned at 8:55 PM to the next meeting of March 12, 2014.

Motion to adjourn to the next meeting.

Motion/Second: Commissioners Madnawat/Commissioner Luk

AYES: 7

NOES: 0

ABSENT: 1

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*